

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

In re: Bair Hugger Forced Air Warming  
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates To:

*Lister*, 17-cv-4336-JNE-FLN  
*Rich et al.*, 16-cv-02631-JNE-FLN  
*Richey*, 17- cv-5323-JNE-FLN  
*Smith et al.*, 17- cv-2889-JNE-FLN  
*Steele*, 17-cv-1262-JNE-FLN

**DEFENDANTS' SECOND MOTION  
TO DISMISS CASES FOR FAILURE  
TO COMPLY WITH PRETRIAL  
ORDER NO. 23 AND/OR  
FED. R. CIV. P. 25(a)**

Pursuant to Pretrial Order No. 23 and Federal Rule of Procedure 25(a), Defendants 3M Company ("3M") and Arizant Healthcare Inc. ("Arizant") (collectively, "Defendants") respectfully move the Court to dismiss the following actions with prejudice for failure to comply with Pretrial Order No. 23 and Fed. R. Civ. P. 25(a):

Case Number	Title	Firm Name
17-cv-4336-JNE-FLN	<i>Lister v. 3M Co., et al.</i>	Kennedy Hodges, LLP
16-cv-2631-JNE-FLN	<i>Rich et al. v. 3M Co., et al.</i>	Newman Bronson & Wallis
17-cv-5323-JNE-FLN	<i>Richey v. 3M Co., et al.</i>	Kennedy Hodges, LLP
17-cv-1262-JNE-FLN	<i>Steele v. 3M Co., et al.</i>	The Olinde Firm, LLC

In addition, pursuant to Pretrial Order No. 23 and Fed. R. Civ. P. 25(a), Defendants move this Court to dismiss the claims of the deceased plaintiff in the following action with prejudice:

Case Number	Title	Firm Name
17-cv-2889-JNE-FLN	<i>Smith et al. v. 3M Co., et al.</i>	Brown and Crouppen, PC

As set forth in the Memorandum in Support of Defendants' Second Motion to Dismiss Cases for Failure to Comply with Pretrial Order No. 23 and/or Fed. R. Civ. P. 25(a), the above-referenced five (5) matters have failed to meet the requirements of this Court's Order and the Federal Rules, and dismissal is appropriate.

Dated: July 12, 2018

Respectfully submitted,

s/Benjamin W. Hulse

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